

REMARKS AND ARGUMENTS

There are no amendments to the specification or drawings.

There are no amendments to the Claims.

Claims 1-12 are pending in this application.

A. Rejection of Claims 1-12

Claims 1-12 stand rejected under 35 U.S.C. 103 as being unpatentable over Crawford in view of Awad '943.

Crawford discloses a draw poker game. The player is dealt five cards, the player discards unwanted cards and replacement cards are dealt for the discarded cards. The player then ends up with a final five card hand. The final five card hand is evaluated as a five card hand, and also as various three card hands and various four card hands being subcombinations of the final five card hand.

As disclosed in Crawford (col. 3, lines 22-23), the subcombinations to be evaluated are determined in advance. This is seen to be necessary so that the player can apply strategy to his hold and draw decisions. The Crawford method of play is clearly a game of skill since the player must analyze which cards

to hold and which cards to discard and replace based on the probabilities of achieving and/or improving not only the overall five card hand, but also each of the less-than-five card subcombination hands.

There will be many instances in which the proper hold and draw strategy for the five card hand will be detrimental to the hold and draw strategy for the subcombination hands.

For example, assume there are two three card subcombination hands being played along with the overall five hand. And assume the first three card subcombination is designated 3 Cards Left and the second three card subcombination is designated 3 Cards Right. Also, assume the player is dealt 7 Hearts, Q Spades, J Diamonds, Q Hearts and 7 Spades.

With regard to the five card hand, the player should discard the J Diamonds, hoping to make a Full House and at worst making Two Pair. However, if the J Diamonds is the only card discarded, the best the player can achieve on either of the three card hands is Jacks or better.

With regard to the three card hands, the optimal play would be to discard the 7 Hearts and the 7 Spades so that the player could achieve a three card straight or a pair of Jacks or better. However, if both 7's are discarded, then the player's chance of

making a Full House in the five card hand becomes less likely (although the player could make four of a kind if he caught the other two Queens).

A player would have to be quite knowledgeable in math probability as well as how this probability is affected by the payout amounts in the pay tables for the various winning combinations in order to make the proper hold and discard decisions to increase the probability of success in playing the game.

Applicant's invention removes all of the skill aspects of the method of play since Applicant's method of play is stud poker without any holding or discarding or replacement cards. Applicant's method of play as set out in Claims 1-12 simply deals the player a starting hand of five cards and then evaluates not only the full five card hand, but also various card subcombinations of the full five card hand. Winning combinations and subcombinations are paid according to a pay table.

There is no disclosure or suggestion in Crawford that his skill game could be modified by making it a stud poker game; in fact, to modify Crawford to remove the discard and draw steps of his game would be to defeat the basis for his method of play which is a skill poker game.

The Examiner recognizes the deficiencies of Crawford and relies on Awad '943 as the basis for modifying Crawford to make Crawford a stud poker game.

Awad '943 discloses a stud poker game that uses community cards. In the Awad method of play, the player first gets three cards and the three card hand is evaluated for a winning combination. Then two community cards are displayed to the player and the resulting five card hand is evaluated for a winning combination. Then two more community cards are displayed to the player and the resulting seven card hand is evaluated for a winning combination.

The Awad method of play does not permit any variance of which cards are used as subcombinations for the hands having less than seven cards or hands having less than five cards. There are three designated cards as the three card hand and only these three designated cards are used as the three card hand. No other subcombination of cards can be used as the three card hand.

There are five designated cards as the five card hand and only these five designated cards are used as the five card hand. No other subcombination of cards can be used as the five card hand.

The Examiner takes the position that the method of play of Crawford can be changed into a stud poker game as suggested by

Awad '943.

What Awad teaches or suggests is a stud poker game that starts with three cards, progresses to five cards and ends with seven cards. If the teaching or suggestion of Awad were applied to Crawford, then the Crawford method of play would start with three cards and, at least, progress to five cards. This would eliminate the possibility in Crawford of using various subcombinations of cards as the various hands.

Thus, Applicant submits that the proposed combination of Crawford with Awad would not have been obvious to a person of ordinary skill in the art since the stud poker method of play of Awad actually teaches away from the method of play of Crawford and would destroy the skill aspect of the Crawford method of play.

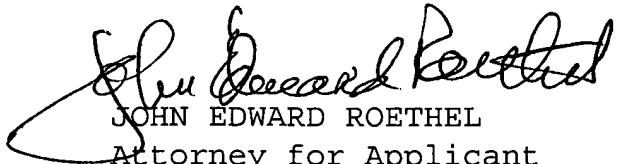
Applicant submits that the Examiner has therefore made an improper rejection of Claims 1-12 under 35 U.S.C. 103.

B. Conclusion.

Applicant submits that all of the claims pending in this application, Claims 1-12, are allowable and the Examiner is requested to reconsider the rejection of Claims 1-12 and to find that these claims are now allowable. If the Examiner has further questions regarding this application, the Examiner is requested to

call undersigned counsel.

Respectfully submitted,


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